



Sen. Antonio Muñoz

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LRB097 03567 AJ0 67982 a

1 AMENDMENT TO HOUSE BILL 735

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 735 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 4-2 and 6-2 as follows:

6 (235 ILCS 5/4-2) (from Ch. 43, par. 111)

7 Sec. 4-2. The mayor or president of the board of trustees  
8 of each city, village or incorporated town or his or her  
9 designee, and the president or chairman of the county board or  
10 his or her designee, shall be the local liquor control  
11 commissioner for their respective cities, villages,  
12 incorporated towns and counties, and shall be charged with the  
13 administration in their respective jurisdictions of the  
14 appropriate provisions of this Act and of such ordinances and  
15 resolutions relating to alcoholic liquor as may be enacted; but  
16 the authority of the president or chairman of the county board

1 or his or her designee shall extend only to that area in any  
2 county which lies outside the corporate limits of the cities,  
3 villages and incorporated towns therein and those areas which  
4 are owned by the county and are within the corporate limits of  
5 the cities, villages and incorporated towns with a population  
6 of less than 1,000,000, however, such county shall comply with  
7 the operating rules of the municipal ordinances affected when  
8 issuing their own licenses.

9 However, such mayor, president of the board of trustees or  
10 president or chairman of the county board or his or her  
11 designee may appoint a person or persons to assist him in the  
12 exercise of the powers and the performance of the duties herein  
13 provided for such local liquor control commissioner.

14 Notwithstanding any other provision of this Section to the  
15 contrary, the mayor of a city with a population of 50,000 or  
16 less or the president of a village with a population of 50,000  
17 or less that has an interest in the manufacture, sale, or  
18 distribution of alcoholic liquor must direct the council or  
19 board over which he or she presides to appoint, by majority  
20 vote, a person other than him or her to serve as the local  
21 liquor control commissioner. The appointment must be made  
22 within 30 days from the day on which the mayor or president  
23 takes office, and the mayor or president cannot make  
24 nominations or serve any other role in the appointment. To  
25 prevent any conflict of interest, the mayor or president with  
26 the interest in the manufacture, sale, or distribution of

1 alcoholic liquor shall not participate in any meetings,  
2 hearings, or decisions on matters impacting the manufacture,  
3 sale, or distribution of alcoholic liquor. Further, the  
4 appointee (i) shall be an attorney with an active license to  
5 practice law in the State of Illinois, (ii) shall not legally  
6 represent liquor license applicants or holders before the  
7 jurisdiction over which he or she presides as local liquor  
8 control commissioner or before an adjacent jurisdiction, (iii)  
9 shall not have an interest in the manufacture, sale, or  
10 distribution of alcoholic liquor, and (iv) shall not be  
11 appointed to a term to exceed the term of the mayor, president,  
12 or members of the council or board.

13 (Source: P.A. 94-747, eff. 5-8-06.)

14 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

15 Sec. 6-2. Issuance of licenses to certain persons  
16 prohibited.

17 (a) Except as otherwise provided in subsection (b) of this  
18 Section and in paragraph (1) of subsection (a) of Section 3-12,  
19 no license of any kind issued by the State Commission or any  
20 local commission shall be issued to:

21 (1) A person who is not a resident of any city, village  
22 or county in which the premises covered by the license are  
23 located; except in case of railroad or boat licenses.

24 (2) A person who is not of good character and  
25 reputation in the community in which he resides.

1 (3) A person who is not a citizen of the United States.

2 (4) A person who has been convicted of a felony under  
3 any Federal or State law, unless the Commission determines  
4 that such person has been sufficiently rehabilitated to  
5 warrant the public trust after considering matters set  
6 forth in such person's application and the Commission's  
7 investigation. The burden of proof of sufficient  
8 rehabilitation shall be on the applicant.

9 (5) A person who has been convicted of keeping a place  
10 of prostitution or keeping a place of juvenile  
11 prostitution, promoting prostitution that involves keeping  
12 a place of prostitution, or promoting juvenile  
13 prostitution that involves keeping a place of juvenile  
14 prostitution.

15 (6) A person who has been convicted of pandering or  
16 other crime or misdemeanor opposed to decency and morality.

17 (7) A person whose license issued under this Act has  
18 been revoked for cause.

19 (8) A person who at the time of application for renewal  
20 of any license issued hereunder would not be eligible for  
21 such license upon a first application.

22 (9) A copartnership, if any general partnership  
23 thereof, or any limited partnership thereof, owning more  
24 than 5% of the aggregate limited partner interest in such  
25 copartnership would not be eligible to receive a license  
26 hereunder for any reason other than residence within the

1 political subdivision, unless residency is required by  
2 local ordinance.

3 (10) A corporation or limited liability company, if any  
4 member, officer, manager or director thereof, or any  
5 stockholder or stockholders owning in the aggregate more  
6 than 5% of the stock of such corporation, would not be  
7 eligible to receive a license hereunder for any reason  
8 other than citizenship and residence within the political  
9 subdivision.

10 (10a) A corporation or limited liability company  
11 unless it is incorporated or organized in Illinois, or  
12 unless it is a foreign corporation or foreign limited  
13 liability company which is qualified under the Business  
14 Corporation Act of 1983 or the Limited Liability Company  
15 Act to transact business in Illinois. The Commission shall  
16 permit and accept from an applicant for a license under  
17 this Act proof prepared from the Secretary of State's  
18 website that the corporation or limited liability company  
19 is in good standing and is qualified under the Business  
20 Corporation Act of 1983 or the Limited Liability Company  
21 Act to transact business in Illinois.

22 (11) A person whose place of business is conducted by a  
23 manager or agent unless the manager or agent possesses the  
24 same qualifications required by the licensee.

25 (12) A person who has been convicted of a violation of  
26 any Federal or State law concerning the manufacture,

1 possession or sale of alcoholic liquor, subsequent to the  
2 passage of this Act or has forfeited his bond to appear in  
3 court to answer charges for any such violation.

4 (13) A person who does not beneficially own the  
5 premises for which a license is sought, or does not have a  
6 lease thereon for the full period for which the license is  
7 to be issued.

8 (14) Any law enforcing public official, including  
9 members of local liquor control commissions, any mayor,  
10 alderman, or member of the city council or commission, any  
11 president of the village board of trustees, any member of a  
12 village board of trustees, or any president or member of a  
13 county board; and no such official shall have a direct  
14 interest in the manufacture, sale, or distribution of  
15 alcoholic liquor, except that a license may be granted to  
16 such official in relation to premises that are not located  
17 within the territory subject to the jurisdiction of that  
18 official if the issuance of such license is approved by the  
19 State Liquor Control Commission and except that a license  
20 may be granted, in a city or village with a population of  
21 50,000 or less, to any alderman, member of a city council,  
22 or member of a village board of trustees in relation to  
23 premises that are located within the territory subject to  
24 the jurisdiction of that official if (i) the sale of  
25 alcoholic liquor pursuant to the license is incidental to  
26 the selling of food, (ii) the issuance of the license is

1 approved by the State Commission, (iii) the issuance of the  
2 license is in accordance with all applicable local  
3 ordinances in effect where the premises are located, and  
4 (iv) the official granted a license does not vote on  
5 alcoholic liquor issues pending before the board or council  
6 to which the license holder is elected. Notwithstanding any  
7 provision of this paragraph (14) to the contrary, an  
8 alderman or member of a city council or commission, a  
9 member of a village board of trustees other than the  
10 president of the village board of trustees, or a member of  
11 a county board other than the president of a county board  
12 may have a direct interest in the manufacture, sale, or  
13 distribution of alcoholic liquor as long as he or she is  
14 not a law enforcing public official, a mayor, a village  
15 board president, or president of a county board. To prevent  
16 any conflict of interest, the elected official with the  
17 direct interest in the manufacture, sale, or distribution  
18 of alcoholic liquor shall not ~~cannot~~ participate in any  
19 meetings, hearings, or decisions on matters impacting the  
20 manufacture, sale, or distribution of alcoholic liquor.  
21 Furthermore, the mayor of a city with a population of  
22 50,000 or less or the president of a village with a  
23 population of 50,000 or less may have an interest in the  
24 manufacture, sale, or distribution of alcoholic liquor as  
25 long as the council or board over which he or she presides  
26 has made a local liquor control commissioner appointment

1       that complies with the requirements of Section 4-2 of this  
2       Act.

3           (15) A person who is not a beneficial owner of the  
4       business to be operated by the licensee.

5           (16) A person who has been convicted of a gambling  
6       offense as proscribed by any of subsections (a) (3) through  
7       (a) (11) of Section 28-1 of, or as proscribed by Section  
8       28-1.1 or 28-3 of, the Criminal Code of 1961, or as  
9       proscribed by a statute replaced by any of the aforesaid  
10      statutory provisions.

11          (17) A person or entity to whom a federal wagering  
12      stamp has been issued by the federal government, unless the  
13      person or entity is eligible to be issued a license under  
14      the Raffles Act or the Illinois Pull Tabs and Jar Games  
15      Act.

16          (18) A person who intends to sell alcoholic liquors for  
17      use or consumption on his or her licensed retail premises  
18      who does not have liquor liability insurance coverage for  
19      that premises in an amount that is at least equal to the  
20      maximum liability amounts set out in subsection (a) of  
21      Section 6-21.

22          (b) A criminal conviction of a corporation is not grounds  
23      for the denial, suspension, or revocation of a license applied  
24      for or held by the corporation if the criminal conviction was  
25      not the result of a violation of any federal or State law  
26      concerning the manufacture, possession or sale of alcoholic

1 liquor, the offense that led to the conviction did not result  
2 in any financial gain to the corporation and the corporation  
3 has terminated its relationship with each director, officer,  
4 employee, or controlling shareholder whose actions directly  
5 contributed to the conviction of the corporation. The  
6 Commission shall determine if all provisions of this subsection  
7 (b) have been met before any action on the corporation's  
8 license is initiated.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."